

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY LABARBERA, et al.,

Plaintiffs,

- against -

ASTC LABORATORIES INC., et al.,

Defendants.
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SUMMARY ORDER
06-CV-5306 (DLI)(MDG)

DORA L. IRIZARRY, United States District Judge:

On September 10, 2010, the Honorable Marilyn D. Go, U.S.M.J., issued a Report and Recommendation (“R&R”) with regard to plaintiffs’ request for damages against defendant ASTC Laboratories Inc. No objections to the R&R have been filed. Upon due consideration, the Report and the Recommendations contained therein are hereby adopted in their entirety. Accordingly, it is hereby ORDERED that plaintiff’s motion for default judgment against the defendant is GRANTED. It is further hereby ORDERED that the Clerk of the Court enter judgment for plaintiff in the total amount of \$370,272.59, comprised of: (1) \$93,560.55 in unpaid contributions; (2) \$128,731.52 in accrued prejudgment interest (\$69,072.50 for the period of 7/1/00 to, but not including, 3/31/2007, and \$59,659.02 for the period of 3/31/07 to the date of this Order¹); (3) \$128,731.52 in liquidated damages;² (4) \$18,209.00 in attorneys’ fees; (5) \$690.00 in costs; and (6) \$350.00 in auditors fees.

¹ The court updates the calculations in the R&R and calculates the total interest due from 3/31/07 through 10/13/10, the date of this Order, as \$46.14/day for 1293 days, or \$59,659.02.

² The magistrate judge recommended that the court award liquidated damages in an amount equal to the interest on the unpaid contributions, which was calculated at the time as \$127,992.28. The court adopts this recommendation and updates this amount to reflect the current amount of interest due on the unpaid contributions.

Plaintiffs are directed to serve defaulting defendant ASTC Laboratories Inc. with a copy of this Order within five days of the date of the Order and immediately thereafter file proof of said service via ECF.

SO ORDERED.

Dated: Brooklyn, New York
October 13, 2010

/s/

DORA L. IRIZARRY
United States District Judge